IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 23297 of 2006(W)

PETITIONER:

JAYAKUMAR, AGED 46,
S/O.SANKARA PILLAI,
SANTA MANDIRAM (THEKKUM MUTTATH),
MANJUMMAL MURIYIL, ELOOR,
N.PARUR, ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENTS:

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1. SPECIAL SALE OFFICER,
ASSISTANT REGISTRAR OF CO-OP. SOCIETY (GENERAL)
N.PARUR.

2. THE ELOOR SERVICE CO-OP. BANK LTD.
NO. 103,
REP. BY SECRETARY.

BY ADV. SRI.PAULY MATHEW MURICKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23297 of 2006(W)

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	TRUE COPY OF THE AWARD IN ARC.NO.544/2005 DT.12/04/2005
EXT.P2	TRUE COPY OF THE AWARD IN ARC NO.545/05 DT.12/04/2005
EXT.P3	TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DT.24/08/2006
EXT.P4	TRUE COPY OF THE RECEIPT OF ELOOR SERVICE CO-OPERATIVE BANK LTD. NO.E.103.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 23297 of 2006 (W)

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Dated this the 15th day of December, 2006

J U D G M E N T

The prayer of the writ petitioner is to quash Exhibits P1 to P3 and also to allow the writ petitioner to remit the amount due to the second respondent bank, in instalments. As an interim relief, the attachment of the movables were sought to be stayed.

2. On 31/08/2006, this Court passed an order, as follows:-

> 'All proceedings pursuant to Exhibit P3 including attchment and sale of movable properties belonging to the petitioner will be kept in abeyance, on condition that the petitioner remits a sum of Rs.25,000/- (Rupees twenty-five thousand only) by 09/09/2006 and continues to remit on the 9th of every succeeding month at the rate.'

3. The learned counsel for the second respondent bank submits that the said condition of remittance of the amount and continued remittances as directed, have not been complied with. Adv.Ameer K.M is representing the second respondent and, the first respondent, Special Law Officer, is represented by

the Senior Government Pleader. Hence, service is complete.

4. When the matter came up for consideration on 06/12/2006, there is no representation from the writ petitioner. Non-compliance of the order dated 31/08/2006 was reiterated by the counsel for the second respondent. Therefore, matter was posted to today for disposal. Today, when the matter came up for disposal, there is no representation from the writ petitioner. The counsel for the second respondent repeated that there is no compliance of the condition contained in the order dated 31/08/2006.

5. In the above fact situation, I find that there is no need of interference with the coercive steps initiated by the bank for realisation of the amount due to it. Hence, the writ petition is dismissed.

(J.M.JAMES)
Judge

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